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VIERRA MAGEN MARCUS & DENIRO LLP 575 MARKET STREET SUITE 2500 SAN FRANCISCO, CA 94105			AILES, BENJAMIN A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/092,010	BLOCH ET AL.
	Examiner Benjamin A. Ailes	Art Unit 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 March 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-11 and 13-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-11 and 13-72 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. This action is in response to correspondence filed 27 March 2007.
2. Claims 1, 3-11 and 13-72 remain pending.

Response to Amendment

3. Applicants' amendment to the specification has been entered into the record.

The prior specification objection has been withdrawn.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claim 11, the phrase "and/or" renders the claim indefinite because it is unclear whether the claim is to be read "...for different types of content and for each item of content..." or "...for different types of content or for each item of content..."

See MPEP § 2173. For examination purposes, the claim will be read in the alternative form.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 3, 7-10, 28-36, 41-45, 47, 52-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Wu et al. (US 5,987,256), hereinafter referred to as Wu.

9. Regarding claim 1, Wu discloses a method for providing content, comprising the steps of:

receiving a request for particular content, said request is received at a server (col. 2, lines 45-46);

accessing a mark-up language description of said particular content (col. 2, lines 46-47, 57), said mark-up language description includes one or more source files which describe a user interface behavior of said particular content (col. 5, ll. 12-18 and col. 6, ll. 1-7, control how content is to be displayed);

compiling said mark-up language description of said particular content to create executable code for a rendering entity different than and within a browser (col. 17, ll. 10-22), said executable code provides said particular content, said step of compiling is performed at said server in response to said request (col. 2, lines 47-50 and col. 4, lines 43-48); and

transmitting said executable code from said server to said rendering entity (col. 2, lines 50-51 and col. 4, lines 43-48).

10. Regarding claim 3, Wu discloses that said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19).

11. Regarding claim 7, Wu discloses executing said executable code at said rendering entity (col. 4, lines 32-35).

12. Regarding claim 8, Wu discloses:

accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);
transforming said media content to an accepted format (col. 2, lines 47-50);
providing a reference to said transformed media content in said executable code (col. 2, ll. 47-50); and
adding said transformed media content to said executable code (col. 2, lines 47-50).

13. Regarding claim 9, Wu discloses that said step of compiling comprises the steps of converting said mark-up language description to action script; and compiling said action script into action script byte code (col. 17, lines 49-50).

14. Regarding claim 10, Wu discloses the steps of:

accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);
transforming said media content to an accepted format (col. 2, lines 47-50); and
adding said transformed media content to said executable code (col. 2, lines 47-50), said request is from a client associated with said rendering entity (col. 2, line 52), said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19), said particular content includes data (col. 2, lines 45-46) and said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

15. Regarding claim 28, Wu discloses one or more processor readable storage devices having processor readable code embodied on said processor readable storage

devices, said processor readable code for programming one or more processors to perform a method comprising the steps of:

receiving a request for particular content, said request is received at a server (col. 2, lines 45-46);
accessing a mark-up language description of said particular content (col. 2, lines 46-47, 57), said mark-up language description references a media file (col. 6, ll. 3-7);
compiling said mark-up language description of said particular content to create executable code for a plug-in to a browser (col. 17, ll. 10-22), said executable code provides said particular content, said step of compiling is performed at said server in response to said request (col. 2, lines 47-50); and

transmitting said executable code from said server to a client (col. 2, lines 50-51).

16. Regarding claim 29, Wu discloses that said request is from said browser (col. 2, line 52).

17. Regarding claim 30, Wu discloses that said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19).

18. Regarding claim 31, Wu discloses that:

 said particular content includes data (col. 2, lines 45-46); and
 said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

19. Regarding claim 32, Wu discloses that said method further comprises the steps of:

accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);
transforming said media content to an accepted format (col. 2, lines 47-50); and
adding said transformed media content to said executable code (col. 2, lines 47-50).

20. Regarding claim 33, Wu discloses one or more processor readable storage devices having processor readable code embodied on said processor readable storage devices, said processor readable code for programming one or more processors to perform a method comprising the steps of:

receiving a request for particular content, said request is received at a server (col. 2, lines 45-46);
accessing first code associated with said particular content (col. 2, lines 46-47, 57);
compiling said first code to create executable code for a plug-in to a web client, said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19), said step of compiling is performed at said server in response to said request (col. 2, lines 47-50); and
transmitting said executable code from said server to said plug-in (col. 2, lines 50-51).

21. Regarding claim 34, Wu discloses that said request is from said web client (col. 2, line 52).

22. Regarding claim 35, Wu discloses that:

said particular content includes data (col. 2, lines 45-46); and
 said data is compiled to executable code during said step of compiling (col. 2,
lines 47-50).

23. Regarding claim 36, Wu discloses the steps of:

 accessing media content, said particular content includes said media content
(col. 2, lines 46-47, 60);
 transforming said media content to an accepted format (col. 2, lines 47-50); and
 adding said transformed media content to said executable code (col. 2, lines 47-
50).

24. Regarding claim 41, Wu discloses an apparatus, comprising:

 one or more storage devices (col. 4, lines 57-59); and
 one or more processors in communication with said one or more storage devices
(col. 4, lines 57-59), said one or more processors receive a request for particular
content, said request is received at a server (col. 2, lines 45-46), said request is from a
client (col. 2, line 52), said one or more processors access a mark-up language
description of said particular content (col. 2, lines 46-47, 57) and compile said mark-up
language description of said particular content to create executable code for a plug-in to
a HTTP client, said executable code provides said particular content, said compiling is
performed at said server in response to said plug-in (col. 2, lines 47-50), and said one
or more processors transmit said executable code from said server to said plug-in (col.
2, lines 50-51).

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25. Regarding claim 42, Wu discloses that said executable code implements a user interface that provides access to said particular content (col. 2, lines 17-19).

26. Regarding claim 43, Wu discloses that:

 said particular content includes data (col. 2, lines 45-46); and

 said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

27. Regarding claim 44, Wu discloses wherein:

 said particular content includes media content (col. 2, lines 46-47, 60).

28. Regarding claim 45, Wu discloses an apparatus, comprising:

 one or more storage devices (col. 4, lines 57-59); and

 one or more processors in communication with said one or more storage devices (col. 4, lines 57-59), said one or more processors perform a method comprising the steps of:

 receiving a request for particular content, said request is received at a server (col. 2, lines 45-46), said request is from a client, said client includes a browser and a rendering engine that is different than said browser but operates within said browser (col. 2, line 52),

 accessing first code associated with said particular content at said server (col. 2, lines 46-47, 57),

 compiling said first code to create executable code for said rendering engine, said executable code implements a user interface that provides access

to said particular content (col. 2, lines 17-19), said step of compiling is performed at said server in response to said request (col. 2, lines 47-50), and transmitting said executable code from said server to said client (col. 2, lines 50-51).

The server on which the files are converted inherently must contain a storage device, otherwise it could not store the precompiler software. The server must also inherently contain a processor in communication with the storage device, otherwise it could not run the precompiler software.

29. Regarding claim 47, Wu discloses the steps of:

accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60); transforming said media content to an accepted format (col. 2, lines 47-50); and adding said transformed media content to said executable code (col. 2, lines 47-50).

30. Regarding claim 52, Wu discloses the method wherein:

said request includes an indication that identifies a type of rendering entity from a group of rendering entities (col. 17, ll. 10-22); and said compiling includes creating said executable code specific for said type of rendering entity in response to said indication (col. 17, ll. 10-22).

31. Regarding claim 53, Wu discloses the method wherein said executable code comprises one or more binary files (col. 6, table 1, use of binary files).

32. Regarding claim 54, Wu discloses the method wherein said executable code comprises object code (col. 5, ll. 2-7).
33. Regarding claim 55, Wu discloses the method wherein said executable code comprises byte code (fig. 4).
34. Regarding claim 56, Wu discloses the method wherein said one or more source files comprise a view template of a user interface element which is instantiated when said executable code is executed by said rendering entity (col. 5, ll. 17-18 and col. 6, ll. 1-7).
35. Regarding claim 57, Wu discloses the method wherein said one or more source files comprise a view class which supplies default properties, behavior, and child views which the view template instantiates (col. 6, ll. 4-8).
36. Regarding claim 58, Wu discloses the method wherein said one or more source files comprise an element which references a media file (col. 6, ll. 3-7).
37. Regarding claim 59, Wu discloses the method wherein said one or more source files comprise an element which references a media file that contains a static image (col. 6, ll. 3-7, graphic objects).
38. Regarding claim 60, Wu discloses the method wherein said one or more source files comprise an element which references a media file that contains an animation (col. 6, ll. 3-7).
39. Regarding claim 61, Wu discloses the method wherein said one or more source files comprise an element which references a media file that contains a movie (col. 6, ll. 3-7, graphic objects).

40. Regarding claim 62, Wu discloses the method wherein said one or more source files comprise an element which references a .SWF file (col. 6, ll. 3-7, a .SWF file is deemed an example of a graphic object).
41. Regarding claim 63, Wu discloses the method wherein said one or more source files comprise an element which references a media file that contains audio (col. 6, ll. 3-7).
42. Regarding claim 64, Wu discloses the method wherein said one or more source files comprise an inline definition of formatted text (col. 6, ll. 10-16).
43. Regarding claim 65, Wu discloses the method wherein said one or more source files comprise an inline definition of vector graphics (col. 6, ll. 3-7).
44. Regarding claim 66, Wu discloses the method wherein said one or more source files define a visual appearance of said particular content (col. 6, ll. 3-7).
45. Regarding claim 67, Wu discloses the method wherein said one or more source files comprise an element that references a media file external to said one or more source files (col. 5, ll. 12-18 and col. 6, ll. 1-7).
46. Regarding claim 68, Wu discloses a method wherein said one or more source files define a connection to a web service (col. 5, ll. 12-18 and col. 6, ll. 1-7).
47. Regarding claim 69, Wu discloses a method wherein said compiling comprises parsing said markup language description to obtain first and second types of elements, providing said first and second types of elements to first and second compiling modules, respectively, to obtain first and second object code, respectively, and assembling said

first and second object code into a single executable (col. 4, ll. 40-45, utilization of multiple tools).

48. Regarding claim 70, Wu discloses the method wherein said first type of element defines at least one of a visual appearance of said content (col. 6, ll. 3-7) and a behavior of said particular content (col. 6, ll. 3-7), and said second type of element defines a connection to an external data source for said particular content, said external data source is external to said server (col. 5, ll. 12-18 and col. 6, ll. 1-7).

49. Regarding claim 71, Wu discloses one or more processor readable storage devices wherein said media file contains at least one of a static image, an animation, a movie and audio (col. 6, ll. 3-7).

50. Regarding claim 72, Wu discloses one or more processor readable storage devices wherein said media file comprise a .SWF file (col. 6, ll. 3-7, a .SWF file is deemed an example of a graphic object).

Claim Rejections - 35 USC § 103

51. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

52. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

53. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu.

54. Regarding claim 6, Wu teaches that the executable code is transmitted over the World Wide Web to the target device (col. 2, lines 21-22), however Wu does not expressly disclose that the step of transmitting includes using HTTP to transmit said executable code via a network. Official notice is taken that the use of HTTP to transmit executable code via a network is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the use of HTTP because of the common use of HTTP when transmitting data over a network.

55. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Russell (2002/0069420).

56. Regarding claim 11, Wu does not expressly disclose the step of authenticating said request, said steps of compiling and transmitting are only performed if said step of authenticating is successful, different types of authenticating are provided for different types of content or for each item of content. Russell teaches on this aspect wherein a network may authenticate a user's request to download content and that if that authentication fails, the server will not allow the user to download the content (par. 94, lines 1-10). Wu and Russell are analogous art because they are both from the same

field of endeavor of content delivery. At the time of invention it would have been obvious to a person of ordinary skill in the art to allow Wu's invention to authenticate requests for content and to deny delivery of the content if the request does not pass authentication, as taught by Russell. The motivation for doing so would have been to ensure that the user making the request is authorized to access the content (par. 91, lines 6-7). Therefore it would have been obvious to combine Russell with Wu for the benefit of authorized access to obtain the invention as specified in claim 11.

57. Claims 4, 5, 13, 21-25, 26, 27, 37-40 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Davis (6,643,696).

58. Regarding claim 4, Wu discloses that:

 said particular content includes data (col. 2, lines 45-46); and

 said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

 Wu does not expressly disclose receiving a request from said client for second content, said one or more source files define a connection to an external data source for said data, said external data source is external to said server and that said request for said second content is received by and handled by said request handler in said presentation server. However, Davis teaches on this aspect wherein a client device can send a request to a server for secondary content (col. 5, lines 54-58) and that the secondary content can be from an external data source (abstract, line 7). Wu and Davis are analogous art because they are both from the same field of endeavor of computer systems. At the time of invention, it would have been obvious to one of ordinary skill in

the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 4.

59. Regarding claim 5, Wu discloses that said step of compiling includes converting said data to action script and compiling said action script into action script byte code (col. 17, lines 49-50).

60. Regarding claim 13, Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from a client associated with said rendering entity for second content and that said second content includes a second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time

of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 13.

61. Regarding claim 21, Wu discloses a method for providing content, comprising the steps of:

receiving a request for content that includes data, said request is received at a server (col. 2, lines 45-46);

accessing a mark-up language description associated with said content at said server (col. 2, lines 45-46), said mark-up language description defines a connection to an external data source for said data, said external data source is external to said server (col. 5, II. 12-18 and col. 6, II. 1-7);

acquiring said data from a data source external to and different than said server in response to said mark-up language description, said data is acquired by said server (col. 2, lines 46-47);

compiling said content at said server to create executable code, said content is based on said mark-up language description and said data, said executable code includes a representation of said data, said step of compiling is performed in response to said request (col. 2, lines 47-50); and

transmitting said executable code from said server to a client (col. 2, lines 50-51).

Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from said client for second content and that said second content includes a second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have

been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 21.

62. Regarding claim 22, Wu discloses that said request is from said client (col. 2, line 52).

63. Regarding claim 23, Wu discloses that said executable code implements a user interface that provides access to said data (col. 2, lines 17-19).

64. Regarding claim 24, Wu discloses that said step of compiling includes converting said data to action script and compiling said action script into action script byte code (col. 17, lines 49-50).

65. Regarding claim 25, Wu teaches that the executable code is transmitted over the World Wide Web to the target device (col. 2, lines 21-22), however Wu does not expressly disclose that the step of transmitting includes using HTTP to transmit said executable code via a network. Official notice is taken that the use of HTTP to transmit executable code via a network is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the use of HTTP because of the common use of HTTP when transmitting data over a network.

66. Regarding claim 26, Wu discloses executing said executable code at said client (col. 4, lines 32-35).

67. Regarding claim 27, Wu discloses:
accessing media content (col. 2, lines 46-47, 60);
transforming said media content to an accepted format (col. 2, lines 47-50); and

adding said transformed media content to said executable code (col. 2, lines 47-50).

68. Regarding claim 37, Wu discloses one or more processor readable storage devices having processor readable code embodied on said processor readable storage devices, said processor readable code for programming one or more processors to perform a method comprising:

receiving a request for content that includes data other than code, said request is received at a server (col. 2, lines 45-46);

acquiring said data from a data source external to said server, said acquiring is performed by said server (col. 2, lines 46-47, 57);

compiling said data at said server to create executable code for a rendering entity that is separate from a browser but operates within said browser, said executable code includes a representation of said data, said step of compiling is performed in response to said request (col. 2, lines 47-50); and

transmitting said executable code from said server to said rendering entity at a client (col. 2, lines 50-51).

Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from said client for second content and that said second content includes a

second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 37.

69. Regarding claim 38, Wu discloses that said request is from said client (col. 2, line 52).

70. Regarding claim 39, Wu discloses said executable code implements a user interface that provides access to said data (col. 2, lines 17-19).

71. Regarding claim 40, Wu discloses that said method further comprises the steps of:

accessing media content (col. 2, lines 46-47, 60);
transforming said media content to an accepted format (col. 2, lines 47-50); and

adding said transformed media content to said executable code (col. 2, lines 47-50).

72. Regarding claim 46, Wu discloses that:

said particular content includes data stored at a source external to said server, said accessing first code includes accessing said data at said source external to said server (col. 2, lines 45-46); and

said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from said client for second content and that said second content includes a second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that

secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 46.

73. Claims 14-18, 19, 20 and 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Wagner (US 6,085,224).

Regarding claim 14, Wu teaches a method for providing content, comprising the steps of receiving a request for particular content, said request is received at a server (col. 2, lines 45-46); accessing first code associated with said particular content, said first code includes a mark-up language description and a scripting language description (col. 2, lines 46-47, 57 and col. 1, lines 17-21). Wu does teach compiling HTML to create executable code that implements a user interface that provides access to said particular content (col. 2, lines 17-19), said step of compiling is performed at said server in response to said request (col. 2, lines 47-50); and transmitting said executable code from said server to a client (col. 2, lines 50-51). Wu teaches the compilation of HTML or JAVA but does not explicitly teach the compilation a combination of both to create combined executable code. The combination of a markup language code and a scripting language description is deemed as common in the art as evidenced by Wagner in column 15, line 61 – column 16, line 15 wherein Wagner teaches the use of embedded commands used in an HTML file to include javascript or visual basic script languages. It would have been obvious to one of ordinary skill in the art to include

scripting languages embedded within a markup language file as taught by Wagner. One of ordinary skill in the art would have been motivated to embed script languages due to the common use of scripting in markup language files.

74. Regarding claim 15, Wu discloses that said request is from said client (col. 2, line 52).

75. Regarding claim 16, Wu discloses that:

 said particular content includes data (col. 2, lines 45-46); and

 said data is compiled to executable code during said step of compiling (col. 2, lines 47-50).

76. Regarding claim 17, Wu discloses that said step of compiling includes converting said data to action script and compiling said action script into action script byte code (col. 17, lines 49-50).

77. Regarding claim 18, Wu teaches that the executable code is transmitted over the World Wide Web to the target device (col. 2, lines 21-22), however Wu does not expressly disclose that the step of transmitting includes using HTTP to transmit said executable code via a network. Official notice is taken that the use of HTTP to transmit executable code via a network is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the use of HTTP because of the common use of HTTP when transmitting data over a network.

78. Regarding claim 19, Wu discloses executing said executable code at said client (col. 4, lines 32-35).

79. Regarding claim 20, Wu discloses the steps of:

accessing media content, said particular content includes said media content (col. 2, lines 46-47, 60);

transforming said media content to an accepted format (col. 2, lines 47-50);

providing a reference to said transformed media content in said executable code (col. 2, lines 47-50); and

adding said transformed media content to said executable code (col. 2, lines 47-50).

80. Regarding claim 48, Wu discloses an apparatus, comprising:

one or more storage devices (col. 4, lines 57-59); and

one or more processors in communication with said one or more storage devices (col. 4, lines 57-59), said one or more processors receive a request for content that includes data other than code, said request is received at a server (col. 2, lines 45-46), said request is from a client (col. 2, line 52), said one or more processors access a mark-up language description and a scripting language description associated with said content at said server (col. 2, lines 46-47) and acquire said data from a source external to said server, said data is acquired by said server (col. 2, lines 46-47), said one or more processors compile said mark-up language description and said scripting language description at said server to create executable code, said executable code includes a representation of said data, said compiling is performed in response to said request (col. 2, lines 47-50), and said one or more processors transmit said executable code from said server to said client (col. 2, lines 50-51).

The server on which the files are converted inherently must contain a storage device, otherwise it could not store the precompiler software. The server must also inherently contain a processor in communication with the storage device, otherwise it could not run the precompiler software.

Wu discloses that said particular content includes a first application (col. 2, lines 45-46), and the steps of accessing a mark-up language description of content (col. 2, lines 46-47, 57), compiling said mark-up language description of content (col. 2, lines 47-50), and transmitting said compiled mark-up language description of content to said client (col. 2, lines 50-51). Wu does not expressly disclose the step of receiving a request from said client for second content and that said second content includes a second application called by said first application. Davis teaches that a client device can send a request to a server for secondary content and that the second content can include a second application that is called by the first application (col. 5, lines 54-58). At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device (col. 1, lines 59-61). Therefore it would have

been obvious to combine Davis with Wu for the benefit of utilizing more complex content on a thin-client device to obtain the invention as specified in claim 48.

Wu teaches the compilation of HTML or JAVA but does not explicitly teach the compilation a combination of both to create combined executable code. The combination of a markup language code and a scripting language description is deemed as common in the art as evidenced by Wagner in column 15, line 61 – column 16, line 15 wherein Wagner teaches the use of embedded commands used in an HTML file to include Javascript or visual basic script languages. It would have been obvious to one of ordinary skill in the art to include scripting languages embedded within a markup language file as taught by Wagner. One of ordinary skill in the art would have been motivated to embed script languages due to the common use of scripting in markup language files.

81. Regarding claim 49, Wu discloses that said executable code implements a user interface that provides access to said data (col. 2, lines 17-19).

82. Regarding claim 50, Wu discloses the steps of:

 said data includes media content (col. 2, lines 46-47, 60).

83. Regarding claim 51, Wu teaches the method wherein said data is media data (col. 2, ll. 46-47, 60).

Response to Arguments

84. Applicant's arguments filed 27 March 2007 have been fully considered but they are not persuasive.

85. (A) Applicant argues with respect to independent claim 1 that Wu is not compiling a mark-up language description as claimed. And further argues further that the standard HTML with which Wu is concerned does not include one or more source files which describe a user interface behavior of the content as claimed. Examiner respectfully disagrees. Wu teaches in column 4, lines 43-48 the method of compiling data (HTML and JAVA code) and then transmitting the compiled code data to an appropriate destination, i.e. the requestor. Wu teaches further in column 5, lines 8-17 and column 6, lines 9-16 the gathering of information with respect to the target device for display concerns and using this information when compiling the HTML instructions. This aspect teaches on the utilization of source files (the information) which describe a user interface behavior (the information concerns the target device).

86. (B) Applicant argues with respect to dependent claim 8 that there is no disclosure or suggestion of providing executable code which includes a reference to transformed media content which is added to executable code. Examiner respectfully disagrees. Wu teaches the compilation of "data sets" in web environments (col. 4, lines 43-48), these data sets including any types of text, video, and imagery that are commonly used when presenting content to users when displayed on a web browser for environments within a TV set top box, a VCD/DVD player, a hand held device, a networked computer or an embedded computer.

87. (C) Applicant argues with respect to dependent claim 9 that Wu does not disclose converting a mark-up language description as claimed. Examiner respectfully disagrees. Wu teaches the compilation of object specifying languages interchangeably

in column 2, lines 31-36, for example HTML and JAVA. In column 17, lines 49-50, Wu teaches the steps of "optimization" when performing functions on and creation of byte codes. Therefore, these steps as disclosed by Wu encompass the method of converting and compiling "action script" as disclosed by the Applicant. It is also noted by the Examiner that the Applicant has disclosed in their specification filed 5 March 2002 on page 29, line 27 – page 30, line 1 that the compilation of "Action Script Byte Code" is already well known in the art.

88. (D) Examiner maintains that independent claim 28 is not deemed patentable over the prior art of record for similar reasons set forth above with respect to independent claim 1. Applicant argues further that Wu does not disclose or suggest a mark-up language description that references a media file such as a static image, animation or movie. Examiner respectfully disagrees. Wu teaches the compilation of "data sets" in web environments (col. 4, lines 43-48), these data sets including any types of text, video, and imagery that are commonly used when presenting content to users when displayed on a web browser. These data sets include any types of text, video, and imagery that are commonly used when presenting content to users when displayed on a web browser for environments within a TV set top box, a VCD/DVD player, a hand held device, a networked computer or an embedded computer.

89. (E) Applicant argues with respect to claim 33 that there is no indication that the rendering engine is a plug-in to a web client or that there is a web client apart from the rendering engine. Examiner respectfully disagrees. Wu teaches the utilization of a rendering engine which is deemed within the scope of the claim which recites the need

for a plug-in which in the art is deemed any type of computer program that interacts with a main host. Wu's rendering engine is deemed an example of a plug-in because the rendering engine is in communication with a server that provides data sets.

90. (F) Applicant argues with respect to claim 11 that the cited art provides no disclosure or suggestion of allowing compiling based on authenticating as claimed. Examiner respectfully disagrees. Russell is relied upon for teaching the step of authentication before downloading aspect. Russell teaches in paragraph 94, lines 1-10 wherein a network may authenticate a user's request to download content and that if that authentication fails, the server will not allow the user to download the content. Applicant argues further that a person of ordinary skill in the art would not be led to combine these references as suggested because the thin client of Wu can only handle simplified graphics primitives that define rectangles, text and bitmaps, but cannot handle movie files, music files, or video game files. Examiner respectfully disagrees. Wu clearly teaches in column 2, lines 59-63 the utilization of a TV set top box, a VCD/DVD player, a hand held device, a network computer, or an embedded computer which are all known to handle movie files, music files, or video game files. At the time of invention it would have been obvious to a person of ordinary skill in the art to allow Wu's invention to authenticate requests for content and to deny delivery of the content if the request does not pass authentication, as taught by Russell. The motivation for doing so would have been to ensure that the user making the request is authorized to access the content (par. 91, lines 6-7).

91. (G) Applicant argues with respect to claim 4 that Wu and Davis do not disclose or suggest any such source files which define a connection to an external data source. Examiner respectfully disagrees. Davis teaches on this aspect in column 5, lines 54-58 wherein a client device can send a request to a server for secondary content and that the secondary content can be from an external data source. Knowledge of how to construct or establish a connection must be known in order to access the secondary content. Wu and Davis are analogous art because they are both from the same field of endeavor of computer systems. At the time of invention, it would have been obvious to one of ordinary skill in the art that Davis's method of calling an application from a previously downloaded webpage could be used with Wu's method of compiling code at a server rather than at the client. After Davis's webpage is downloaded with Wu's system, Davis's webpage would call the secondary application and Wu's system would then proceed to locate and compile that secondary application for presentation to the client. The motivation for doing so would have been to allow the users of Wu's system to be able to utilize content of the type described in Davis on a thin-client device.

92. (H) Applicant argues with respect to claim 14 that the proposed combination of Wu and Wagner could only be made impermissibly in view of applicants' invention. Examiner respectfully disagrees. Usage of scripting languages is deemed well known in the art. The combination of a markup language code and a scripting language description is deemed as common in the art as evidenced by Wagner in column 15, line 61 – column 16, line 15 wherein Wagner teaches the use of embedded commands used in an HTML file to include javascript or visual basic script languages. It would have

been obvious to one of ordinary skill in the art to include scripting languages embedded within a markup language file as taught by Wagner. One of ordinary skill in the art would have been motivated to embed script languages due to the common use of scripting in markup language files.

93. In view of the above, it is concluded that the present claims are not patentable over the cited prior art of record.

Conclusion

94. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cottrille et al. (US 7,149,964 B1) teaches the creation and delivery of customized content.

Dutta (US 7,210,093 B1) teaches a method, system, and program for displaying pages downloaded from over a network in an application window.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa



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